

DCFS Weekly Update From the State Office

Friday, October 20, 2000

From My Perspective

By Ken Patterson

On Sunday, October 15, there was an article in the Salt Lake Tribune that mentioned a mid-November appeal hearing in the matter of "David C. vs. Leavitt." "David C.," of course is the case name given to the litigation brought against DCFS back in 1994 by the National Center for Youth Law (NCYL). For any of you who are wondering about the nature of the hearing and what it means to our agency, I provide the following.

The original lawsuit did not go to trial because Utah and NCYL agreed to a "settlement agreement." The settlement agreement was to be in place for four years, ending in August of 1998. The settlement agreement contained 316 specific performance points for DCFS to "comply" with. When the four years was up, NCYL petitioned the Federal District Court to continue to enforce the terms of the settlement agreement. We objected. Our point was that four years was what was agreed to and the time limit should be honored. The Court considered the arguments for a couple of months, then found that the old settlement agreement was really not accomplishing what was intended. The judge then ordered Paul Vincent from the Child Welfare Policy and Practice Group and I to meet and develop a long-term plan for DCFS organizational improvement. That's how we got the Performance Milestone Plan (the Plan), and it is why we are doing Practice Model Training, Qualitative Case Reviews, and many other activities.

We delivered the Plan to the Court in May of 1999. The Court reviewed the plan over the summer months, then ordered its implementation in October. It also ordered Mr. Vincent to monitor the overall implementation of the Plan and make annual reports to the Court. We will receive Mr. Vincent's first report in the next three weeks.

In ordering implementation of the Plan, the Court, in essence, continued jurisdiction in a case that originated in 1994 but had never gone to trial. The State of Utah has encountered lawsuits in many areas of government (e.g., adult corrections, environmental matters, and highway rights-of-way). Often the best way to resolve litigation is through settlement agreements; however, it is Utah's position that when a definite time is established in an agreement, the Court should not be able to continue jurisdiction without a trial on the merits of the original merits of the lawsuit. So when the Court ordered the Plan to be implemented, Utah decided to appeal.

It is very important to note that Utah did not seek a stay of the order to implement the Plan. We participated heavily in the development of the Plan and are committed to carrying out its provisions. It is our plan and, regardless of the outcome of the upcoming hearing, we will continue to follow it. The purpose of the appeal was to establish a clear understanding between the State of Utah and the Federal Court on what it means to enter into a time-limited settlement agreement, not to attempt to avoid acting on any of the provisions of the Plan.

In other news

Having to get another region or law enforcement to do "conflict of interest" CPS investigations should soon be a thing of the past. A panel of DCFS Board members

and partners from other interested agencies met over the past month and selected an agency to contract with for that service. I should be able to announce who that new contractor will be in the next two weeks.

Guess Who?

By Jackie Webb

My, what darling babies our administrative leaders were! At the Child Welfare Institute this year, a baby picture contest was held. Of the many entries received, only one was correct. **Teri Franklin** identified all of the babies correctly and won the \$25.00 prize. Congratulations, Teri! You may view these cute baby pictures by opening the attachment entitled, “weekly102000—Guess Who.doc.”

A Day in the Life at DCFS in Ogden

By Katy Larsen

For those of you who haven't heard, the DCFS office in Ogden has had a lot of problems with the building. One of the biggest ongoing problems is that the roof has repeatedly leaked. We have enjoyed one of the driest summers on record. And, Murphy's law being what it is, the roofers had been dutifully ripping off old materials and in general messing around up there, which really encouraged us...however, once they had disrupted the roof, we had torrential rain (I guess to make up for three months of not a drop).

That part of the story is sad enough as you can all imagine what happened, but we thought you'd appreciate a description of what happened to a particular employee. Her name is Melisa Sase. She is a DOH employee and works with regional health care. She is a brave soul willing to share what is undoubtedly going to end up with more than a few jibes directed at her...But she was gracious enough to supply us with a mental picture that will give you a chuckle (and it gets better—I'll give you the icing on the cake at the end.) Melisa describes events as follows: “I went to use the restroom at the end of the day. I was using the “facilities” when all of a sudden, water gushed down out of the fan located directly above the “facility.” There I sat as water continued to pour down on me. I quickly hopped up in complete shock. The roofers later suggested that when I had shut the door and turned on the light something must have come loose.” Those who eventually came to the room referred to the leak as a waterfall, and huge garbage cans had to be placed to catch it...picture funny enough...

Well, now let me tell you that Melisa happens to be the Governor's niece. Probably is a good story for their family to laugh about—both what happened and that it happened on state premises! I am thinking maybe we need to ask the Governor to contact risk management to see if Melisa's PTSD counseling for bathroom phobias could be covered as well as her dry cleaning costs!

Changes Related to Parental Obligation to Pay Support for a Foster Child

By Cosette Mills

Both state and federal law require that when a child is in foster care, the child's parents have an obligation to pay support for their child. The Office of Recovery Services (ORS) is the agency designated to assess the amount required for foster child support and to collect payments from parents. (Funding collected by ORS is then forwarded to DCFS to help offset agency costs.)

During the 2000 State Legislative Session, a bill was passed to improve the law associated with these collections. The basic purpose of the bill was to avoid situations where, due to delays in the process, families were hit with huge support arrearage debts, whether or not the family was aware of the obligation to pay for the costs of the child while in foster care. For example, prior to this legislation it was not uncommon for a family to receive a large lump sum billing from ORS, covering several months' past costs, due to the length of time required for ORS to obtain all of the necessary case information and to contact the family.

Key elements of the bill pertinent to DCFS include the following:

- The bill requires the Juvenile Court to inform families of their support obligation, both verbally and in writing. The Court must also make a referral to ORS within three days.
- The bill allows a 60-day no-support grace period if the family cooperates with ORS in gathering information and establishing a support order. Where there is already a support order in place (such as a case in which child support is being collected related to a divorce), no 60-day grace period applies.
- The bill limits the amount of arrears that may be established (i.e., "back-billing") to two months.

What this means to DCFS staff:

- A specific court order has been developed by ORS for child support purposes. This "child support stand-alone order" will be completed during the shelter hearing and a copy will be given to the family. *(This order is being completed in addition to any orders being issued in conjunction with DCFS work.)*
- In the past, child support order language was generally included in the DCFS custody orders. DCFS was then required to send a copy of each order to ORS. Because referrals are now going to ORS directly from the Court, the number of custody orders that DCFS must send to ORS has been reduced.
- The child support order will also be used by the Assistant Attorney General when a foster child's status changes from foster care to guardianship **and** parental rights have not been terminated. **The parental child support obligation continues when the child is placed in a guardianship arrangement if parental rights have not been terminated.**

Note: ORS Good Cause Deferral/Waivers can still be requested for child support for individual families. Waivers must be requested through the existing process, with

Region Director approval prior to submission to ORS. Waivers are only considered when extreme circumstances exist that would create barriers for reunification of children or would necessitate removal of children from home.

Developing “Seasoned” Foster Families —Conclusion

By Joelle Horel

Our third and final article in the series about becoming a “seasoned” foster family addresses the development of skills.

Development

Skilled foster families do not just materialize overnight. Families need practice to develop skills to work with children and DCFS. Training, additional reading, availability of community resources, and having workers and other foster families to call-on for information are all extremely helpful. However, none of these can substitute for skill development, practice, and experience.

With the recruiting work being done by the Utah Foster Care Foundation, DCFS is in the process of developing a larger pool of foster families. This will allow the best match possible to be made for a child and a family. Plus, having a number of homes will allow new foster families to initially receive children with less severe problems. DCFS does not want to burnout our foster families!

Having homes with openings also allows for more consistent use of respite and crisis care to help foster families who are struggling or who need a break. Foster families who have recently had a child return home or move to adoption frequently experience grief brought about by the loss of that child in their family. Even if everyone involved is thrilled for the child going home or being adopted, a huge void is often left for all members of the foster family. With the shortage of foster homes in years past, DCFS has not been able to adequately attend to foster parent grief. Having time to “regroup” as a family, before a new child is placed, is very important. Allowing time to grieve between placements ensures that the family will have sufficient emotional energy to devote to the new child.

One of the most difficult tasks for a foster family is saying “no” to a child who needs a placement when the family knows the timing is not right or the child's needs are beyond their ability to meet. Knowing their limits regarding the types of children they best parent, the availability of resources in their community, and being aware of when they need to take a break will help foster parents say “no” when necessary. Foster families sometimes express concern that saying “no” will prohibit them from ever receiving another placement opportunity. Being able to articulate their reasons for declining a placement helps educate DCFS further about their family. While difficult for the foster family to say, and difficult for the worker to hear, saying “no” prior to placement is much easier than realizing a mistake was made after the child has been placed.

Foster parents go through several identified stages of development. An awareness of these stages helps agency staff and foster families better relate to their feelings and

needs. Emily Jean McFadden (Eastern Michigan Newsletter, 1988) has chronicled these stages as:

- Room for One More—Initially new foster parents see their role as "just like raising birth children." Families in this stage typically struggle with several issues: being involved with the agency, coping with loss when a child returns home, and being embarrassed about their own naivete regarding issues related to the problems of raising children with special needs.
- Team Membership Family—Foster families move into this stage by experiencing a crisis related to the care of a child where family expectations of the child or agency do not match. Families in this stage are usually cooperative, but do not act independently. For example, a family may transport a child to a therapy appointment, but not participate in the session. **Helping families move from this stage requires skill on the part of caseworkers. Families need to effectively engage the family in the decision-making process for the child by encouraging (not demanding) active participation with birth parents, agency staff, and other service providers.** During this process (which can include feelings of anger at the "system," birth parents, etc.), families must be nurtured to feel safe and must know they can ask questions without fear of embarrassment.
- Team Leader Family—Team leader families are excited about their role as a foster family, are usually involved with related groups, and actively attend training to further their skills. These families feel responsibility to obtain appropriate services for the children in their care. They often seek out treatment and permanency options for children. Because of this active role, caseworkers may perceive these families as irritating or as a threat. Team leader families can be a tremendous asset to the agency by freeing caseworker time as they serve as an "extra pair of hands on the case." Full inclusion of them as part of the team helps reduce the risk of foster families acting contrary to goals outlined in the service plan. These families can also be a valuable asset to developing newer foster families.
- Child Advocate Family—Experienced families may come to the decision that no matter how hard they work for individual children, the "system" will only change for the better if they become involved on a larger scale. These families can join alongside the agency to lobby for legislative and systemic change to accomplish improvements in the child welfare system.

In Utah and other states around the nation, the majority of foster families do not progress beyond the first or second stage of foster family development before leaving the system. It is imperative that each and every member of DCFS work to assist our foster parents to become full team leader and child-advocate families.

Attached as "weekly102000—quiz.doc" is a quick (and completely unscientific) self-assessment to see if you are a foster parent "developer" or a foster parent "oppressor." I hope you can take the time to complete this self-assessment in order to know yourself and apply this knowledge to the important work you do.

To Make Your Life Easier...Using SAFE Optimally

By Robert Lewis

Documented exception is a tool for supervisors to use when no other option is available to one of their workers for completing an action item. As we get further into our implementation of SAFE, begin to know it better, and refine its usage, there should be less need for documented exceptions. However, we continue to see some examples of unnecessary uses of documented exception, when actually performing the required activity was possible and the use of the documented exception to excuse not doing it eventually caused more work and additional problems.

Offices should be able to complete well over 95% of their action items the regular way without resorting to document exceptions. Here is an honor role of regions and offices that met that target in September 2000:

Location	Percent of action items completed without documented exception
Region:	
Western	97.7%
Eastern	97.2%
Northern	96.0%
Office:	
Blanding, Bountiful, Fillmore, Heber, Moab, Monticello, Nephi, Payson, Price	100%
Clearfield, Logan, Tooele, Vernal	99%
Castle Dale, Cedar City, Magna, Provo	98%
Richfield, Ute FS	97%
Layton, Ogden, St. George, West Valley	96%
Delta	95%

GUESS WHO?



Richard Anderson



Ken Patterson



Beverly Hart



Heber Tippetts



LaRay Brown



Rock Boyer



Paul Curtis



Spencer Morgan



Katy Larsen

!!! WINNER !!!

Teri Franklin

Prize \$25.00

Special Thanks
to
Shirley Owens
For this creation



Todd Minchey

Developing “Seasoned” Foster Families—Article 3 Attachment

Answer each question as:

Never (I haven't tried that yet)

Occasionally

Always (Without the foster parent, the team isn't complete)

1. Do you bring the foster family "to the table" whenever you are making plans for a child in out-of-home care, providing at least a week's notice of the meeting date? (If the foster parent can't make the meeting in person, are they on the speaker phone?)
2. Do you facilitate a meeting between the foster family and the birth family early in the placement so that both parties can share information about the child and get to know each other in order to ease some of their mutual fears and misconceptions?
3. To ensure a good match between foster family and child, do you routinely read the foster family's home study/family assessment prior to placing with them?
4. To ensure a good match, do you routinely check with other workers who have children currently in the home to see if your child will add to or detract from the current family constellation?
5. To reduce trauma for the child and family, do you take time to transition the child, even if time permits only a quick tour of the house and some time spent with the child and foster parent to process the new situation? (As one wise foster parent said, "I don't take pizza deliveries!")
6. Do you provide constructive feedback to foster families to help them develop their skills, especially if you have concerns?
7. Do you try only to place children who are appropriate for the foster family's ability level and current situation? (This includes accepting "no" gracefully when a family declines a placement they feel will be too difficult or inappropriate for them.)
8. Do you respect a foster family's existing schedule as you work together to set up visitations and appointments?
9. When you have a conflict with the foster parent, do you sit down with them and rely primarily on active listening and educating to reach resolution versus insisting on compliance?
10. If your attempts to reach resolution fail, do you calmly inform the foster parents of their options (it is hard not to get defensive): calling the supervisor, holding a staffing, requesting clinical consultant input, contacting the DCFS Constituent Services Specialist, etc.?

If you answered 8 or more of these 10 questions with **Always**, you are a prized foster parent **Developer**! Congratulations!

If you answered 3 or more of these questions with **Never**, you have the opportunity to implement and practice some new engaging and teamwork skills! No one wants to be viewed by foster parents as an oppressor.

If the majority of your answers are **Occasionally**, you have the opportunity to develop a more consistent standard of practice around placement issues and working with foster parents.